

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re :

Case No. 18-23538 (RDD)

SEARS HOLDINGS CORPORATION, et al.¹ :

**Chapter 11
(Jointly Administered)**

Debtors

**CONDITIONAL OPPOSITION
TO NOTICE OF CURE COSTS AND POTENTIAL ASSUMPTION**

TO THE HONORABLE COURT:

Creditor and landlord of Kmart store in Frederiksted, VI (**Store # 7413**) referred to in various papers as SUNSHINE SHOPPING CENTER INC, MALL OF SAINT CROIX, SUNSHINE MALL, and HATIM YUSUF, through its undersigned attorney respectfully states and prays:

1. On 1/23/2019 we received debtor's NOTICE OF CURE COSTS AND POTENTIAL ASSUMPTION (Dkt. 1731) without the exhibits.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are as follows: Sears Holdings Corporation (0798); Kmart Holding Corporation (3116); Kmart Operations LLC (6546); Sears Operations LLC (4331); Sears, Roebuck and Co. (0680); ServiceLive Inc. (6774); SHC Licensed Business LLC (3718); A&E Factory Service, LLC (6695); A&E Home Delivery, LLC (0205); A&E Lawn & Garden, LLC (5028); A&E Signature Service, LLC (0204); FBA Holdings Inc. (6537); Innovel Solutions, Inc. (7180); Kmart Corporation (9500); MaxServ, Inc. (7626); Private Brands, Ltd. (4022); Sears Development Co. (6028); Sears Holdings Management Corporation (2148); Sears Home & Business Franchises, Inc. (6742); Sears Home Improvement Products, Inc. (8591); Sears Insurance Services, L.L.C. (7182); Sears Procurement Services, Inc. (2859); Sears Protection Company (1250); Sears Protection Company (PR) Inc. (4861); Sears Roebuck Acceptance Corp. (0535); Sears, Roebuck de Puerto Rico, Inc. (3626); SYW Relay LLC (1870); Wally Labs LLC (None); SHC Promotions LLC (9626); Big Beaver of Florida Development, LLC (None); California Builder Appliances, Inc. (6327); Florida Builder Appliances, Inc. (9133); KBL Holding Inc. (1295); KLC, Inc. (0839); Kmart of Michigan, Inc. (1696); Kmart of Washington LLC (8898); Kmart Stores of Illinois LLC (8897); Kmart Stores of Texas LLC (8915); MyGofer LLC (5531); Sears Brands Business Unit Corporation (4658); Sears Holdings Publishing Company, LLC. (5554); Sears Protection Company (Florida), L.L.C. (4239); SHC Desert Springs, LLC (None); SOE, Inc. (9616); StarWest, LLC (5379); STI Merchandising, Inc. (0188); Troy Coolidge No. 13, LLC (None); BlueLight.com, Inc. (7034); Sears Brands, L.L.C. (4664); Sears Buying Services, Inc. (6533); Kmart.com LLC (9022); Sears Brands Management Corporation (5365); and SRe Holding Corporation (4816). The location of the Debtors' corporate headquarters is 3333 Beverly Road, Hoffman Estates, Illinois 60179

2. On 1/24/2019 we were able to review the complete document online, and observe that the lease with the appearing landlord (Store # 7413) is listed on Page 341 of 342 with a cure amount of \$65,036.
3. The mentioned amount is insufficient to cure the current defaults under the contract.
4. Although the motion states that “rights of the Debtors and other parties in interest with respect [to the ultimate assumption motion] are reserved” (§7, in fine), and that “Debtors are in the process of reconciling these numbers and reserve the right to amend the proposed cure amounts” (§8), the appearing landlord reserves its right to contest any assumption which does not comply with the curing of all defaults, as mandated by §365.

CERTIFICATE OF SERVICE: I hereby certify that on this same date I electronically filed the foregoing with the Clerk of this Court using the CM-ECF system which will send notification of such filing to all CM-ECF participants registered to receive notices in the case at bar.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on January 25, 2019

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s/ **EDGARDO MUÑOZ**
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